

Message Text

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14

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FM AMEMBASSY KUALA LUMPUR

TO SECSTATE WASHDC PRIORITY 5159

C O N F I D E N T I A L KUALA LUMPUR 6485

FOR EA/IMS

E.O. 11652: GDS

TAGS: SHUM, MASS, MY

SUBJECT: HUMAN RIGHTS IN MALAYSIA; DRAFT REPORT

REF: (A) STATE 231122, (B) 76 KUALA LUMPUR A-35 3/25,
(C) SHEPARD-DILLON LETTER OF 10/12/76

1. SUMMARY/ INTRODUCTION: EMBASSY IS PREPARED TO CLEAR DRAFT
MEMORANDUM ON HUMAN RIGHTS OBSERVANCE IN MALAYSIA PROVIDED
REVISIONS SET FORTH BELOW ARE INCORPORATED, ONE DELETION IS
CONFIRMED, AND
WORDING OF TWO MISSING SENTENCES ARE CLARIFIED. END SUMMARY:
INTRODUCTION.

2. PAGE ONE, THIRD SENTENCE OF FIRST, CHANGE TO READ: "...
WHERE A VERY SMALL BUT VOCAL OPPOSITION," ETC.

3. PAGE ONE, FIRST SENTENCE OF SECOND PARA, CHANGE TO READ:
"...FORM OF VIOLENT RACE RIOTS OF 1969."

4. PAGE ONE, OURTH SENTENCE OF SECOND PARA (WHCICH CONTINUES ON
TO NEXT PAGE) CHANGE TO READ: "...PREFERMENT IS GIVEN TO MALAYS,
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MANY OF WHOM ARE ECONOMICALLY DISADVANTAGED."

5. PAGE TWO, FIRST FULL SENTENCE, CHANGE TO READ:

"IN RECENT YEARS MALAYSIA'S COMMUNIST TERRORISTS HAVE AGAIN BECOME ACTIVE..." ETC.

6. PAGE TWO, FINAL SENTENCE, WHICH BEGINS "A STATE OF EMERGENCY," ETC., IS INCOMPLETE, A PORTION HAVING BEEN DROPPED DURING XEROXING. PLEASE QUOTE ENTIRE SENTENCE TO US.

7. PAGE THREE, CONFIRM DELETION OF LAST SENTENCE UNDER ARTICLE 3, THAT READS "THIS NEW LEGISLATION HAS YET TO BE APPLIED IN SPECIFIC CASES." (A DEATH SENTENCE WAS HANDED DOWN RECENTLY UNDER THE FIREARMS -- INCREASED PENALTIES -- ACT.)

8. PAGE FOUR, CHANGE INITIAL SENTENCES TO READ: "GUARANTEES AGAINST ARBITRARY ARREST AND DETENTION IN CRIMINAL AND NON-SECURITY PROCEEDINGS GENERALLY ARE OBSERVED. HOWEVER, THE EMERGENCY (PUBLIC ORDER AND PREVENTION OF CRIME) ORDINANCE, 1969, WHICH PROVIDES THAT ANY PERSON MAY BE HELD WITHOUT TRIAL FOR UP TO TWO YEARS TO PREVENT THAT PERSON "FROM ACTING IN ANY MANNER PREJUDICIAL TO PUBLIC ORDER," HAS, IN LIEU OF CONSPIRACY LAWS ALONG AMERICAN LINES, BEEN USED INCREASINGLY TO DETAIN NARCOTICS TRAFFICKERS AS THE GOVERNMENT OF MALAYSIA HAS STEPPED UP ITS NARCOTICS CONTROL EFFORTS. IN ADDITION, THE INTERNAL SECURITY ACT (ISA) OF 1969, CONTINUED THE CONCEPT AND PRACTICE OF PREVENTIVE DETENTION WITHOUT TRIAL FIRST INTRODUCED..." ETC.

9. PAGE FIVE, FIRST FULL SENTENCE, CHANGE TO READ: "BETWEEN 300 - 400 PERSONS ARE BELIEVED DETAINED UNDER THIS LEGISLATION."

10. PAGE FIVE, ARTICLE 10, CHANGE TO READ: "THE RIGHT TO PUBLIC TRIAL AND A FAIR HEARING IS SAFEGUARDED IN A MAJORITY OF CASES. NO PUBLIC TRIAL IS AVAILABLE, HOWEVER, FOR PERSONS DETAINED UNDER THE INTERNAL SECURITY ACT OR THE EMERGENCY (PUBLIC ORDER AND PREVENTION OF CRIME) ORDINANCE, 1969."

11. PAGE 5, CHANGE SECOND AND THIRD SENTENCES UNDER HEADING "B" TO READ: "FREEDOM OF THE PRESS IS CIRCUMSCRIBED VIA THE CONFIDENTIAL
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PRINTING PRESS ORDINANCE, 1948, REQUIRING LICENSING OF PRESSES AND PUBLICATIONS, AND THE CONTROL OF IMPORTED PUBLICATIONS ACT, 1968, UNDER WHICH VARIOUS IMPORTED PUBLICATIONS CAN BE BANNED. IMPORTED PUBLICATIONS ARE REGULARLY SCREENED BY THE POLICE AND OBSCENE, POLITICALLY OBJECTIONABLE, OR RELIGIOUSLY OFFENSIVE MATERIAL IS DELETED, OR THE ENTIRE PUBLICATION IS BANNED. NEVERTHELESS THE MALAYSIAN NEWSPAPERS FROM TIME TO TIME REPORT ON VIOLATIONS OF LEGAL STANDARDS -- AS DOES THE OPPOSITION WITHIN THE MALAYSIAN PARLIAMENT.

12. PAGE FIVE, FIRST SENTENCE UNDER PART IV, THAT BEGINS "ANESTY INTERNATIONAL'S 1974-75 ANNUAL REPORT," IS INCOMPLETE DUE TO FAULTY XEROXING. PLEASE QUOTE ENTIRE PORTION TO US.

13. WE WILL TRANSMIT FINAL CLEARANCE AS SOON AS POSSIBLE FOLLOWING RECEIPT OF MISSING PORTIONS OF DRAFT REPORT AND CONFIRMATION OF ONE DELETION, AS PER PARAS 6, 7 AND 12 ABOVE. UNDERHILL

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